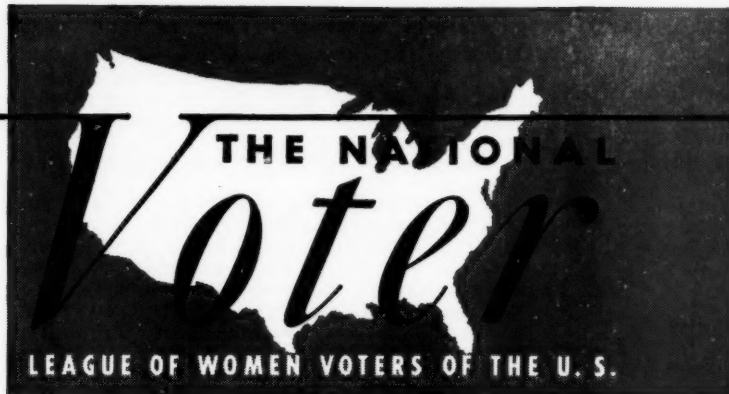


MAY 1, 1953



LEAGUE OF WOMEN VOTERS OF THE U. S.

1026 17TH STREET, N. W., WASHINGTON 6, D. C.

CONGRESSIONAL INVESTIGATIONS

IN their efforts to strengthen national security, Congressional investigating committees have aroused grave concern for the protection of individual citizens' rights.

The issue is magnified by the increasing reliance Congress places on its investigating committees. There is evidence of this in the rapidly mushrooming appropriations for such investigations. In the Senate alone, the amount has grown 900% in ten years.

Three permanent investigating groups have attracted the most attention in the nation-wide controversy over the activities and methods of Congressional probers. The House Un-American Activities Committee and the Internal Security Subcommittee of the Senate Judiciary Committee are both inquiring into communism in the schools. The Permanent Investigating Subcommittee of the Government Operations Committee has recently been scrutinizing the operations of the Voice of America.

What is the role of the Congressional investigation in the law-making process? The legitimate function of these inquiries is to create a better understanding on the part of Congress and the public of areas in which legislation is needed.

They also serve to improve the administration of existing laws. The power to legislate implies the right to investigate. In the past, abuses unearthed in legislative investigation have paved the way for much-needed remedial legislation.

Problems arise, however, when the purpose and scope of investigations are not clearly defined and when these are permitted to spill over into areas not directly related to law-making. Administration of the laws Congress passes is the work of the executive branch of the government; punishing wrongdoers is the function of the courts.

Other problems arise from the procedures used by these committees in getting and exposing facts. In many hearings, the spotlight shines on individuals giving testimony. The purpose of the investigation remains in the background. As a result, the hearing room on Capitol Hill too frequently resembles a court room.



Moreover, the stake of the individual is considerably greater than in the average courtroom proceeding, particularly when charges of subversion are brought. The reputation and career of the witness are on trial. An order to appear before a Congressional investigation committee immediately creates an impression of wrongdoing. The liberal or the non-conformist is placed in the same position as the active Communist party member. Those who have long since disaffiliated from the Communist party are similarly categorized.

Under these circumstances, protection of individual rights is of paramount importance. A series of safeguards has been suggested. High on the list is the proposal that a witness be permitted to bring a lawyer with him so that he would at least have constant advice of an expert. It has also been proposed that he be able to cross-examine witnesses who have testified against him, and to present witnesses on his own behalf. A Special House Subcommittee to Investigate the Department of Justice, headed by Rep. Kenneth B. Keating of New York, has adopted a code of fair procedures, including these practices.

A resolution, S.Res. 83, introduced by Senator Wayne Morse of Oregon, contains these and many other procedural protections. H.Res. 178, introduced by Representative Arthur G. Klein of New York, includes many parallel provisions. Witnesses who refuse to testify before the committees on the ground that they may incriminate themselves are offered immunity from federal prosecution by S. 565, co-sponsored by Senators Kefauver, Hunt, Tobey, and Wiley. Even under this proposal, the question of protection for witnesses who wish to withhold the names of friends or associates in any way connected with Communist activity remains unanswered.

As the session advances, measures to guarantee the use of fair procedures in congressional hearings continue to be thrown into the legislative hopper. The need for effective protection of individual rights is great. It should be possible to do this without curtailing congressional power to explore and develop new or more effective legislation.

The Federal Loyalty Program

THE federal loyalty program which was established through an Executive Order in March 1947 as one means of safeguarding the country's internal security, is still in a stage of "trial and error." The extensive investigations by Congress into whether employee screening under the program has been fair, honest, and efficient has resulted in the impression that the Executive Branch has been ridden with "communists" and "undesirables." This has had the unhealthy effect of reflecting on the integrity of all government employees.

Since early in World War II, security programs have been in effect for sensitive agencies. Loyalty was the term applied to the new program designed to cover all government agencies. Loyalty was at first defined in a narrow sense. Dismissals were to be made only when there were "reasonable grounds" to believe that the person involved was disloyal to this country. In May 1951 the "reasonable grounds" standard became "reasonable doubt" of the employee's loyalty. Because of this change some individuals have had to be cleared two or three times. Loyalty cases can be appealed to the over-all Civil Service Loyalty Review Board, but dismissals for "security" reasons cannot.

The loyalty and security programs have been handled separately. In August 1951, President Truman requested the Civil Service Commission to provide a plan for combining the administration of these two with the Civil Service Commission's system of screening all employees for their suitability for employment. Such a plan was developed but never executed.

The new Administration has not yet presented its program for handling the federal loyalty, security, and suitability programs. However, President Eisenhower laid the groundwork for such a plan in his State of the Union message when he said that he considered it the job of the Executive Branch to purge the government of "the disloyal and the dangerous" and that he would create the machinery to do it. He also has stressed the fact that a federal job is a privilege and not a right.

Reports indicate that the Eisenhower Administration is planning to eliminate overlapping functions

Congress and Academic Freedom

THERE have been various reactions to Congressional investigations in recent months of Communist infiltration of the universities. Below are two typical examples, representing opposing views among academic peoples themselves:

The Association of American Colleges adopted a report which states:

"Your commission believes that colleges should welcome any free and impartial inquiry. It believes an important by-product of such inquiry should be the improved public understanding of American higher education, its purpose, organization, function, and contributions to American life."

Dr. James Bryant Conant, in his final report to the Board of Overseers of Harvard University, said: "There are no known adherents to the Communist Party on our staff, and I do not believe there are any disguised Communists either. But even if there were, damage that would be done to the spirit of the academic community by an investigation of the university aimed at finding a crypto-Communist would be far greater than any conceivable harm such a person might do."

in the administration of the screening programs. The dropping of the term disloyalty as a basis for dismissal and the subsequent lumping together of screening under a security or suitability concept also have been indicated. It is expected that the new system will place the final responsibility on the individual department head.

Of equal importance with the kind of procedures set up to handle a federal screening program is the problem of how well it is administered. Orderly government is difficult when there are constant loyalty reviews of the employees who have a day-to-day job to do. The program has greatly affected the morale of those already employed by the government and has discouraged those who might otherwise have offered their talents to public service. One of the greatest challenges before the new Administration in improving the administrative machinery is to restore the people's confidence in the loyalty and integrity of federal employees.

There are some who feel that what is needed at this point is a commission of fair-minded and respected citizens to study the problems and make recommendations to the President.

★ CONGRESSIONAL SPOTLIGHT ★

Trade Agreements Extension (H.R. 4294, H.R. 4594): Hearings begin April 27 before House Ways and Means Committee on H.R. 4294, bill introduced by Rep. Simpson (R., Pa.), extending the Reciprocal Trade Agreements Act for one year, but placing further restrictions on foreign imports. The League of Women Voters will testify in opposition to this bill. H.R. 4594 introduced by Rep. Keating (R., N. Y.) calls for a one year extension of the present act. This bill has Administration approval, but hearings will be held on the Simpson bill.

Treaties (S.J. Res. 1 and S.J. Res. 43): A long series of hearings on these proposed Constitutional amendments to limit the federal treaty making power has ended. The staff of the Senate Judiciary Committee is preparing a report.

U.N. Appropriation: The House Appropriations Committee has concluded closed hearings on the State Department Appropriation bill which includes the U.S. contribution to the U.N., but has not made a report. Open hearings are being held by the Senate Appropriations Committee. The U.N. has asked the U.S. to contribute 35.12 per cent

of its budget this year, with the understanding that the U.S. contribution in 1954 will be one-third of the U.N. budget. There is considerable opinion in Congress that the one-third figure should be adhered to at once.

Import Restrictions on Dairy Products: Special subcommittee of the House Agriculture Committee will make a report late this month on its findings of the need for protecting the industry from foreign imports.

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MRS. JOHN G. LEE, President

Editors: MRS. ALEXANDER GUYOL

MRS. ANDREW MACKAY SCOTT

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